IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 242/2007

SITARAM Vs. CHOTE LAL & ORS.

DATE: 03.08.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Sanjay Pareek and
Mr. P.C. Sharma for the petitioner.
Mr. Pankaj Gupta for the respondents.

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The petitioner participated in the elections of Sarpanch of Gram Panchayat Baber Walon Ki Dhani which were held on 31.01.2005. In these elections the petitioner got 964 votes whereas the respondent No.1 received 1070 votes. It was alleged that the result sheet was having overwriting, therefore, the petitioner filed a election petition and in the election petition as per the allegations levelled by the petitioner, recounting order was made. The recounting was conducted in the presence of the parties but no material change was found in the result and since no change in the result was found, the election petition was dismissed by the Court below vide order dated 14.12.2006 (Annexure-12).

Now the petitioner challenged that the recounting was not properly conducted.

Having considered the rival submissions of the respective parties, no case in favour of the petitioner is made out which requires any interference in the impugned order dated 14.12.2006 (Annexure-12) as the recounting was properly conducted and since no change in the result was found, therefore, the election petition filed by the petitioner has rightly been dismissed.

Consequently, the writ petition fails having no merit and the same is hereby dismissed.

Since the writ petition is dismissed, the second stay application also stands rejected.

Record be sent back.

(K.S. RATHORE),J.

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